

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE MEDTRONIC, INC.
IMPLANTABLE DEFIBRILLATORS
PRODUCTS LIABILITY LITIGATION

MDL NO. 05-1726 (JMR/AJB)

This documents relates to:
All Clients represented by Charles H.
Johnson

**MEMORANDUM IN SUPPORT OF
APPROVAL OF UNIFORM
QUALIFIED ASSIGNMENT**

On December 12, 2008, the Court approved the Motion of Charles H. Johnson to require U.S. Bank as the escrow agent to withhold the attorney's fees he earned due to the settlement in the above-referenced Multi-District Litigation. The same Order required the fees to be sent by separate check to Hartford CEBSCO. (*See* Dkt. 1249).

Charles H. Johnson now moves to Court to Order U.S. Bank, as the approved Escrow Agent for the Settlement Fund, to sign the Uniform Qualified Assignment, thereby assigning the accumulated funds to Hartford CEBSCO. The Hartford CEBSCO is requiring that this form be signed by the Escrow Agent for the Medtronic Defibrillator Settlement Fund. Charles H. Johnson, and Co-Lead Counsel, requested that U.S. Bank sign the Uniform Qualified Assignment. However, U.S. Bank did not believe that it had the authority to sign the Uniform Qualified Assignment without a court order directing it to sign the Assignment. In addition, U.S. Bank believed that paragraph B of the Assignment should be changed to delete the statement that "The parties desire to effect a qualified assignment'..." to read "Claimants Attorney and the Assignee desire to effect a

‘qualified assignment’” The Hartford CEBSCO, however, would not agree to this change in language.

Without the Uniform Qualified Assignment in place, the Harford CEBSCO will not hold or distribute the attorneys’ fees for Charles H. Johnson in trust. As such, Charles H Johnson now requests that the Court order U.S. Bank to sign the Uniform Qualified Assignment, which is attached as Exhibit A to the Declaration of Charles H. Johnson in Support of this Motion.

This motion is based upon the Affidavit of Charles H. Johnson and exhibits thereto, as well as all files, records, and proceedings herein.

Dated: March 12, 2010

s/Daniel E. Gustafson
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